

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 140 OF 2005

Ganesh Kishanrao Kople. ...Appellant
V/s.
Kavadu Tulasya Khandale & Anr. ...Respondents

Appellant present in person.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 16, 2006

P.C. :-

. Heard appellant in person.

. The appellant had filed the complaint under Section 340 of the Code of Criminal Procedure against the respondent alleging that the respondent had committed perjury. The learned Metropolitan Magistrate, however, rejected his application. Against the said order, the appeal was preferred by the appellant herein before the Court of Special Judge, Greater Mumbai at Mumbai. This appeal, however, was also dismissed. Being aggrieved by the dismissal of the said appeal, the appellant has filed this appeal in this Court.

2. When a query was made as to how the second appeal is maintainable in this Court, the appellant in person invited my attention to Section 341 of the Code of Criminal Procedure. He submitted that by virtue of amendment which was made in the year 1973 and the old provisions under the old Act were amended, the second appeal was maintainable. It is not possible to accept the said submission of the appellant in person. A perusal of Section 341 clearly shows that the provisions provides only for one appeal and after the dismissal of the appeal, the order which was initially passed on the application under section 340 becomes final, therefore, the present appeal, in my view, is not maintainable. The appellant, however, is at liberty to take out appropriate proceedings, in accordance with law, if he wants to challenge the order passed by the Special Judge in Criminal Appeal No.128/2004.

. With these directions, the appeal is disposed of.

(V.M. Kanade, J.)